

Standing Rock Isn't Over!

A federal judge in Mid-June over-ruled Trump's decision to skip the Environmental Impact Statement previously required of the Army Corp of Engineers. The illegalities the judge discussed in his 91 page ruling stem from the National Environmental Policy Act. NEPA is a law that requires federal agencies to prepare full environmental impact statements (EIS) for federal projects that have significant environmental impacts.

The core of the Tribe's lawsuit was that the pipeline's crossing at Lake Oahe on the Missouri River was significant enough to require an EIS, dismissed by the the Trump administration. It reversed the Obama administration's decision in December to prepare an EIS, dismissing the risks of an oil spill and the consequences that could have for the Tribe and its rights.

The Court held that the Corps – in its compliance to Trump's wishes - failed to address—or even mention—significant expert criticism of the oil spill risk review of the Corps. The Court found as well that the Corps never adequately considered the impacts of an oil spill on the Tribe's treaty rights, which includes protecting the Tribe's right to hunt and fish on tribal lands. The Court found as well that the Corps' environmental justice analysis was unlawful because it adopted a half mile buffer to assess oil spill risks, when studies have shown that, on a river like the Missouri, oil spills could reach far beyond a half mile. The Standing Rock reservation lies a tad over half a mile (0.55 of a mile!!!) from the pipeline.

The Court did not explicitly direct the Corps to perform an EIS, which means that the agency could simply revise or update its environmental review and again conclude that no EIS is required. If that happens, additional legal challenges are likely. The Tribe believes this court decision should trigger a full EIS, including consideration of route alternatives, just as the Obama administration proposed in December. The Court has thus left open the question of the pipeline's fate while this review process goes forward. Normally, when a permit is issued in violation of the National Environmental Policy Act, the appropriate remedy is to "vacate" that permit—i.e., make it invalid in the eyes of the law. That would have the effect of forcing the pipeline company to shut down the pipeline while the review is conducted. However, the Court acknowledged that sometimes permits can be left in place during this period—meaning the pipeline can continue to operate while the review was underway.

The Tribe's position is clear. Until there has been a thorough analysis of the risks and consequences of operating this pipeline—one that actually meets the standards imposed by the law—the pipeline should not be operating. That case will be made by the Tribe and a decision

could be forthcoming within a month or two. In the meantime, it is important to understand that NEPA, at the end of the day, does not require the government to make the most environmentally-protective decision. It prohibits uninformed decision-making but doesn't prohibit actions that carry risk.

Ultimately, the Tribe's challenge is to push for the pipeline to be shut down, a full and fair environmental review, and a new permit decision that respects the Tribe and its treaty rights, and prohibits the pipeline company from putting all of the risk of this dirty and dangerous project on Native people. The fight continues and all of us are asked to take part.

Jan Hasselman- Earthjustice

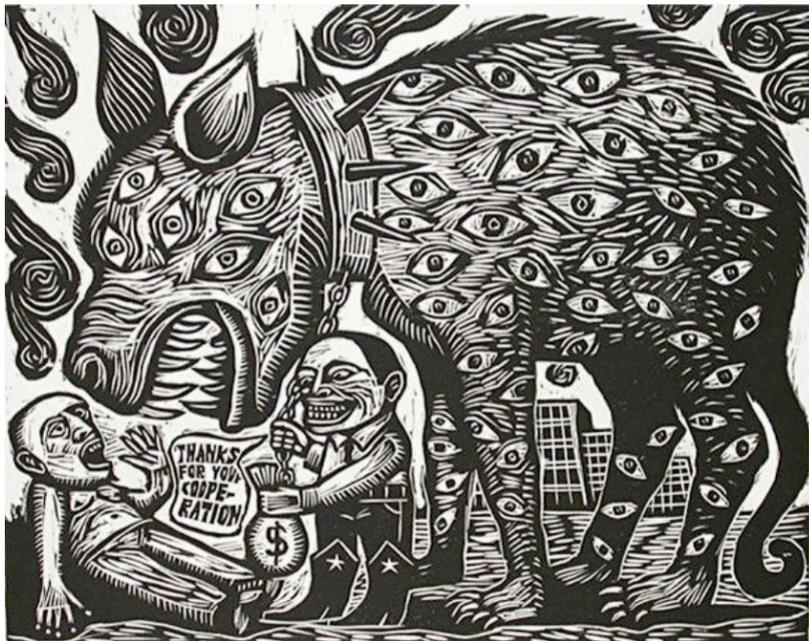
POWER TO THE PEEPS - RESISTANCE TO THE PIPES

In the past year at least seven new oil and gas pipelines have been defeated. Many of these pipelines were defeated when, seeing the massive resistance at Standing Rock, companies simply withdrew their applications citing "market forces". What is left unsaid in the corporate press releases is that our resistance to new energy infrastructure is now a major market force. In addition to these victories, the past couple years have seen communities up and down the west coast defeat seven out of eight proposed coal export terminals and four proposed oil export terminals aimed at shipping Bakken crude from North Dakota to international markets.

It is important to understand that the fossil fuel industry needs these new infrastructure projects in order to expand. Without them they cannot. While it should have been clear under the Obama administration that the US government was never going to commit to any meaningful greenhouse gas reductions (the US became the #1 producer of oil and gas in the world on Obama's watch), nobody is under any illusion of the government reigning in emissions under the Trump regime. It is plain to see that our only hope in defeating the fossil fuel industry will not be through government action, but concerted direct action campaigns against these fossil fuel projects.

Standing Rock was not the beginning, and it is certainly not the end.

While a global divestment campaign has been hitting banks with occupations and blockades, and withdrawing billions of dollars from these fossil fuel funders; a wave of direct action encampments have blossomed in the paths of destructive infrastructure projects across Turtle Island:



Two Rivers Camp – Trans Pecos Pipeline, TX --

The Society of Native Nations launched the Two Rivers Camp at the end of Dec. 2016 to fight Energy Transfer Partners Trans Pecos Pipeline which would transport fracked gas from Texas shale fields, through the beautiful Big Bend region, to Mexico where it would be exported on the international market. The camp, which includes support from the Jumano, Apache and Conchos People, has engaged in a series of successful actions to disrupt construction of the pipeline.

Sabal Trail Resistance – Sabal Trail Pipeline, FL –

The 500 MILES, Alabama to Southern Florida pipeline has seen strong resistance from members of the Seminole tribe as well as multiple acts of civil disobedience, including a mass action in January in which 1000 people gathered to shut down pipeline construction under the Suwannee residents and environmentalists living along the route. River. Also just last week a lone pipeline resister was killed by police after fleeing the scene of an effective sabotage action against the pipeline. Folks in Dunellon, FL have opened up the Water is Life campaign house to serve as a base for anti-pipeline organizing.

Arkansas Rising – Diamond Pipeline --

Arkansas Rising has shut down pipeline construction with direct actions and most recently blockaded the West Memphis oil refinery that would receive the oil.

Split Rock Sweetwater Prayer Camp – Pilgrim Pipeline, NJ --

Members of the Ramapough-Lunaape Tribe have set up a prayer camp in the path of the aptly named Pilgrim Pipeline. In addition to their encampment, tribal members recently finished an eight day prayer walk to draw attention to the pipeline.

Mountain Valley Pipeline – WV, VA --

Most recently activists organized a direct action training attended by over 100 people including many landowners living on the path of this fracked gas pipeline. Activists have tentative plans for a week long action camp in June to continue building the resistance. 'Standing Rock' continues on page 11



ANCIENT FOREST INTERNATIONAL

"The question is not whether we will be extremist, but what kind of extremist we will be- will we be extremist for hate, or for love"

-MLK

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